

FILED

January 12 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 09-0601

Phyllis Jamison
Pro Se Appellant
P.O. Box 343
Clinton, MT 59825
Phone & Fax (406) 825-2004

PHYLLIS JAMISON,

Plaintiff and Appellant,

FILED

JAN 12 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

MOTION FOR ONE 30-DAY

v.

EXTENSION OF TIME TO FILE

FRED VAN VALKENBURG,
MISSOULA COUNTY COMMISSION,
BILL CAREY, COMMISSIONER, JEAN
CURTISS, COMMISSIONER, JAMES
MCCUBBIN, DEPUTY COUNTY
ATTORNEY, DENA L. LUND, JACK S.
LUND, RICHARD B. WHEATLEY,
TAMBRY T. WHEATLEY,

APPELLATE OPENING BRIEF

Respondents and Appellees.

I, Phyllis Jamison, move this Court to grant one 30-day extension of time for filing my Appellant's Opening Brief pursuant to M.R.App.P. 26(1). The "date certain" for filing is February 22, 2010 because the thirty-day extension ends on a weekend.

I contacted Paul Sharkey, who is opposing counsel for Respondents Jack Lund and Dena Lund and Sharkey faxed me his approval of this motion, Exhibit "1" attached.

I also contacted Alan F. McCormick, who is opposing counsel for Missoula County. McCormick said that I may represent to this Court that I consulted with him and that he also does not have any objection to this motion.

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I attempted to also contact respondents Richard and Tamby Wheatley but I was unable to reach them and they do not have any counsel of record.

As a pro se appellant facing so many parties and over issues that are of county-wide and state-wide concern, I am trying my utmost best to learn how to write briefs by reading texts and the Montana Rules of Appellate Procedure. I am requesting this time extension because I want to make a clear and concise presentation to this Court and hopefully minimize any burden that I may be.

Thank you for your consideration in reading this "Motion for One 30-day Extension of Time" to file my appellate's opening brief, with a "date certain" of February 22, 2010.

Respectfully submitted,

Phyllis Jamison

Phyllis Jamison
Pro Se Appellant
January 12, 2010

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11(4)(b); of the Montana Rules of Appellate Procedure, I certify that this brief is printed with a mono-spaced Courier text typeface of 12 points; is double spaced; [I do not have Microsoft Word 2003 on my little computer-typewriter], is not more that 30 (14 for reply pages, excluding certificate of service and certificate of compliance.

Dated this 12th day of January, 2010.

Phyllis Jamison

Phyllis Jamison, Pro Se Appellant

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CERTIFICATE OF SERVICE

I, the undersigned pro se appellant, hereby certify that on this 12th day of January, 2010 I have filed a true and accurate copy of the foregoing Pro Se Appellant's "Motion for One 30-day Extension of Time to File Appellate's Opening Brief" with the Clerk of the Montana Supreme Court by FACSIMILE (406) 444-5705 AT 10:00 AM; and that I have served true and accurate copies of the foregoing motion upon each attorney of record and each party not represented by an attorney in the above referenced action, by depositing the same in the United States Mail, postage prepaid thereon, addressed as follows:

Paul Sharkey
Phillips Law Firm, P.C.
P.O. Box 8569
Missoula, MT 59807-8569
Counsel for Dena Lund & Jack Lund

Alan F. McCormick
Garlington, Lohn & Robinson
P.O. Box 7909
Missoula, MT 59807-7909
Counsel for Missoula County

Richard B. Wheatley
3004 Woodville Avenue
P.O. Box 116
Clinton, MT 59825

Tambry T. Wheatley
3004 Woodville Avenue
P.O. Box 116
Clinton, MT 59825

Dated this 12th day of January, 2010.

Phyllis Jamison

Phyllis Jamison
P.O. Box 343
Clinton, MT 59825
Pro Se Appellant

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PHILLIPS LAW FIRM P.C.

ATTORNEYS AT LAW

ROBERT J. PHILLIPS
JOHN F. HAFEEY
PAUL M. SHARKEY
AMY O. DUERK
CAREY B. SCHMIDT
MITCHELL J. VAP

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* Also Admitted in California
* Registered Patent Attorney

Via Facsimile (825-2004)
January 11, 2010

Phyllis T. Jamison
3024 Woodville Ave.
P.O. Box 343
Clinton, MT 59825

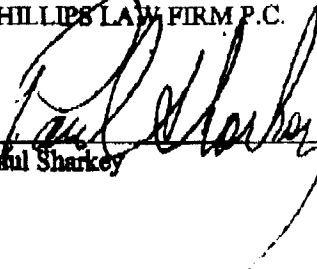
Re: *Lund adv. Jamison*
Montana Supreme Court Cause No. DA 09-0601
File No. 5182

Dear Ms. Jamison:

This letter will confirm our telephone conversation of this morning in which you asked if I objected to a 30-day extension for you to file your appellate brief pursuant to Mont. R. App. 26(1). I advised you that I have no objection.

Sincerely,

PHILLIPS LAW FIRM P.C.


Paul Sharkey

PS/lcg

cc: Dena and Jack Lund

EXHIBIT 1
JAMISON

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IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 09-0601

PHYLLIS JAMISON,

Plaintiff and Appellant,

v.

FRED VAN VALKENBURG,
MISSOULA COUNTY COMMISSION,
BILL CAREY, COMMISSIONER, JEAN
CURTISS, COMMISSIONER, JAMES
MCCUBBIN, DEPUTY COUNTY
ATTORNEY, DENA L. LUND, JACK S.
LUND, RICHARD B. WHEATLEY,
TAMBRY T. WHEATLEY,

[Proposed] ORDER

Respondents and Appellees.

Appellant Phyllis Jamison has filed a motion for leave for one 30-Day extension of time to file her appellate opening brief pursuant to M.R.App.P. 26(1). The "date certain" for filing is February 22, 2010 because the 30-day extension ends on a weekend. Having considered the matter,

IT IS HEREBY ORDERED that the Appellant's motion to file her opening brief with one 30-day extension of time, due February 22, 2010 is GRANTED.

DATED this ____ day of January, 2010.

For the Court,

Justice

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